

REMARKS

Claim 1 is amended to clarify the respective locations of the striker and latch and to include the substance of now-cancelled Claim 8. Since amended Claim 1 substantially incorporates cancelled Claim 8, the Applicant submits that no new issue is raised by this amendment. Claims 2, 3, 4 and 5 are amended to clarify the language in response to the Examiner's objections. Claims 1-7 remain, with no claim previously allowed.

Claims 1-7 stand rejected as anticipated by U.S. Patent No. 5,443,292 to Shimada ("Shimada"). This rejection is respectfully traversed, as possibly applied to amended Claim 1 and Claims 2-7 depending thereon.

The present invention as defined by amended Claim 1 requires that the lock canceling member of the drive mechanism is supported by the shaft in the support base that is fixed to the inner panel of the peripheral edge portion of the trunk opening, as shown in Fig. 3 and page 5, lines 18-19 of the specification, in other words, to the body side of the motor vehicle.

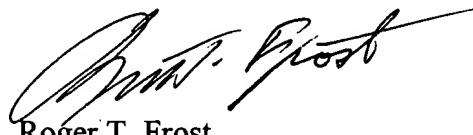
Due to this structure, the time period in which the lock canceling member is kept in the restriction canceling position can be extended. Therefore, the latch is reliably maintained in the restriction-canceling state capable of removal from the striker and is not engaged with the striker again, by which it is possible to prevent the drive apparatus from being erroneously opened.

On the contrary, *Shimada* discloses a power lid closing device provided with the open lever 60 which is pivotally connected to the striker base 40 that is, in turn, pivotably connected to the base plate member 20 and the motor base plate 30. The striker base 40 of *Shimada*, therefore, is not fixed to the body side. Accordingly, *Shimada* completely fails to disclose a support base fixed to an inner panel of the peripheral edge portion of the trunk opening, the lock canceling member being supported by a shaft in the support base as defined by amended Claim 1. Accordingly, the rejection of Claim 1 as anticipated by *Shimada* should be withdrawn.

Claims 2-7 depend from independent Claim 1. The remarks made above in support of the independent claim are equally applicable to distinguish the dependent claims from *Shimada*.

The foregoing is submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the applicant solicits a notice to that affect.

Respectfully submitted,



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